UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/2002/SR.10
12 August 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 August 2002, at 3 p.m.

Chairperson: Mr. PINHEIRO

later: Mr. YOKOTA
(Vice-Chairperson)

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.02-14585 (E) 080802 120802

The meeting was called to order at 3.15 p.m.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 4) (continued) (E/CN.4/Sub.2/2002/3, 8-12, 14, 15, 17, 41, 43 and 44; E/CN.4/Sub.2/2002/NGO/6, 9-12, 17, 21 and 26; E/CN.4/Sub.2/2002/WG.2/WP.1 and Add.1 and 2 and WP.2)

1. Mr. DECAUX, said, with respect to the report by the coordinator of the ad hoc working group established to prepare a study to contribute to the drafting of an international declaration on extreme poverty and human rights (E/CN.4/Sub.2/2002/15), that some clarification was necessary at the conceptual level. There was a tendency to approach the issue of poverty and extreme poverty from a purely quantitative perspective, with the emphasis on reducing numbers rather than tackling the most intractable problems. A more positive, qualitative, approach was needed that would encompass all human rights, including political and cultural rights that might seem "secondary" in situations of extreme need, as well as the basic needs related to economic and social rights.

2. The artificial distinction between "formal rights" and "real rights" should be discarded in the context of extreme poverty. The marginalized must be empowered, through the recognition of all their rights, to determine their own fate so that they could work together towards a form of economic development, social progress and cultural dignity of their own choice, rather than one imposed on them. That form of "bottom-up globalization", as it had been called in the Social Forum, was first and foremost a choice to be made by each society.

3. At the practical level, the working group should follow the practice of the Social Forum by involving all five geographical groups in its work, in order to show that the problem of poverty concerned all societies. In particular, the problems in the post-Communist countries of Eastern Europe should be taken into account, as well as those in the countries of Western Europe. The methodological approach to indicators in the report tended to focus on States, with one of the themes being "human rights violations by Governments and poverty" (E/CN.4/Sub.2/2002/15, p. 10), but the fact that poverty was a social phenomenon should also be taken into account.

4. Mr. RAJKUMAR (Pax Romana) said there was a need to go beyond the rather legalistic approach proposed in the report and focus more on the actual problems of the poor and on practical ways to lift them out of poverty. Simply coming up with a definition of extreme poverty would not help the poor. The approach also seemed to be based mostly on social rights but, as Mr. Decaux had said, there was a need to include all human rights.

5. Mr. EIDE said he very much hoped that the countries of Europe would be involved in the future activities of the working group. In the otherwise excellent programme of work, a significant omission in the part dealing with human rights violations by Governments concerned the lack of regulation by Governments, which was often a cause of impoverishment. To give an example, their failure to protect small fishermen meant that many of the latter were driven out of business by industrial fishing fleets.

6. Mr. SORABJEE said that corruption should also be included among the human rights violations by Governments. Too often funds intended to improve the situation of economic,

social and cultural rights by building schools, hospitals and so on were siphoned away to offshore bank accounts. There was also a need to address the problem of discriminatory policies adopted in the allocation of aid. Such policies were often unofficial and very subtle, based on religion or race, and their effect was to increase the marginalization of certain groups. Lastly, he hoped that the misleading term "modern poverty" would be dropped: there was nothing "modern" about poverty.

7. Mr. PARY (Indian Movement "Tupaj Amaru") said that there was no mention in the programme of work of foreign debt, which was a subtle mechanism for transferring natural resources from the poor countries to the rich ones. He agreed with the previous speaker that corruption was a serious problem that needed to be addressed. It was a product of globalization and occurred at all levels of society, as witnessed by the vast sums transferred out of the Russian Federation to overseas tax havens after the collapse of the Soviet Union.

8. Mr. VERZAT (International Movement ATD Fourth World) said that, while it was understandable that the Sub-Commission experts should be trying to produce an effective legal instrument to help combat poverty, they needed to expand the definition of poverty. Human rights were indivisible and all human rights were affected by poverty; thus, without enjoyment of such essential rights as those to drinking water, food, housing or health care, the poor had no chance of enjoying the right to education. However, experience had shown that, when families living in poverty in any part of the world were ignored and denied any help at all, even those essential rights were compromised.

9. Ms. PONCINI (International Federation of University Women) said that the feminization of poverty was a crucial problem and a gender perspective should therefore be included in the programme of work.

10. Mr. BENGOA, Coordinator of the ad hoc working group, said that he shared the concerns expressed by the speakers, although it was not always easy to determine how precisely to incorporate those concerns effectively into the work of the working group. He agreed with Mr. Decaux's suggestions that the study should be extended to cover developed countries and the countries of Eastern Europe and that all geographic regions should be represented in the discussions. With regard to Mr. Sorabjee's comment on the use of the term "modern poverty", he stressed that the aim was to analyse contemporary forms of poverty in order to determine how wealth and poverty were created simultaneously in an age of globalization that produced not only opportunities but also many victims. He accepted that the questions of corruption and gender had been overlooked and agreed that they should be taken into account in the future.

11. Mr. YOKOTA, Vice-Chairperson, took the Chair.

12. Mr. PINHEIRO, introducing his working paper on the return of refugees' or displaced persons' property (E/CN.4/Sub.2/2002/17), said that housing and property restitution was a very important topic, as it was increasingly recognized that, in the case of many refugees and displaced persons, the dispossession of their homes was at the root of their displacement. Restitution was seen as an increasingly important way to protect their human rights, restore the rule of law and prevent future conflict. The circumstances in which people lost their homes

often involved protracted civil conflict, ethnic cleansing or discriminatory confiscation, and restitution was essential to combat the violations that had led to their displacement in the first place.

13. One of the key points made in his working paper was that the right to return encompassed returning not merely to one's country but also to one's home. In reaffirming that right, the General Assembly and other United Nations bodies had also recognized that States were under an obligation to facilitate the return of refugees and displaced persons. As housing and property restitution had come to be recognized as an essential component of the right to return to one's home, it could be viewed as a free-standing, autonomous right in and of itself.

14. Unfortunately, housing and property restitution was often not a reality for millions of people throughout the world. The troubling gap between existing standards and the facts on the ground needed to be studied so that effective policies could be formulated to ensure that the right to return was adequately implemented. Among the impediments to housing and property restitution were the absence of effective and accessible judicial remedies and secondary occupation. Removing secondary occupiers had proven very difficult, partly because adequate measures had to be taken to ensure that they were protected against homelessness or unreasonable relocation. The response to secondary occupation must be based on human rights and other legal principles that clearly recognized the pre-eminence of the returnee's right to housing and property restitution, and yet it was unclear what precisely that response should be. A thorough analysis of existing and potential policies to address secondary occupation was therefore needed.

15. Another impediment, and one which also jeopardized stability in post-conflict situations, was the failure to rectify discriminatory, arbitrary or otherwise unjust application of the law in the countries of return. The section of his working paper devoted to those and other impediments perhaps raised more questions than it answered, but he hoped to be able to address them in a more comprehensive study which should be undertaken on housing and property restitution in the context of the return of refugees and other displaced persons.

16. Mr. GUISSÉ said that problems arose, as Mr. Pinheiro had rightly pointed out in his paper, when returnees found their homes occupied by someone else. Those problems touched on the right to restitution, compensation and rehabilitation for victims of human rights violations. With regard to restitution, which was discussed in the working paper, the question arose as to what exactly was to be returned: if it was not to be simply the land or property in whatever condition the returnee happened to find it but the land or property in a fit state to be occupied by a human being, then clearly the questions of rehabilitation and responsibility for such rehabilitation were raised.

17. Similarly, the responsibility of the State, or of a citizen of the State, for the expulsion of the original inhabitants would also need to be determined and, at that point, the responsibility of the international community would need to be considered also. He wondered whether the return of refugees' or displaced persons' property was to be seen as the result of a juncture of responsibilities allowing adequate and fair compensation to be provided or simply as a gesture of

solidarity to help individuals recover their property. Consequently, the question of the scope of responsibility in such cases needed to be addressed and, as more and more people were displaced or forced to flee, it was a question of increasing importance.

18. Mr. SORABJEE said that the right to return voluntarily to one's home should not be an illusory or meaningless right, as was the case if a person returned to find his or her property destroyed or illegally occupied. The key issues to return were therefore dignity and safety. Safety was very important as, when people returned, their very presence was often resented and they became the victims of violent attacks because those occupying their property were not anxious to leave. It was therefore necessary to make a distinction between current occupiers who were homeless and needed protection and current occupiers who were guilty of committing crimes against the persons who had since returned. Secondary occupation was often illegal occupation and the new occupants did not deserve any form of protection, as Mr. Pinheiro had suggested.

19. Mr. EIDE said that there was one point which was not sufficiently covered in Mr. Pinheiro's working paper (E/CN.4/Sub.2/2002/17), namely, the fact that houses were often deliberately destroyed in cases of ethnic cleansing, as had occurred in Krajina and in Palestine. That issue needed to be addressed.

20. Mr. LOUFTY (Observer for Egypt) said that he was particularly interested in paragraph 25 of Mr. Pinheiro's working paper regarding the return of Palestinians and compensation. He asked Mr Pinheiro to clarify how that issue should be tackled.

21. Mr. PINHEIRO, having thanked his colleagues for their responses to his working paper, said he noted the importance of Mr. Guissé's comments on placing the issue in the overall international debate on compensation. He also agreed that the responsibility of the State was quite clear and that the international community should participate in the debate on the issue. He appreciated Mr. Sorabjee's comment on the "illusory right" of return and was aware that simply promoting people's return to their homelands was not enough. He agreed that, if property had been taken over illegally by secondary occupiers, they should not be compensated for having committed a crime. The distinction between illegal and secondary occupation due to homelessness was not as clear in the working paper as it might be and he promised to clarify it. Mr. Eide's comments would also help in qualifying the question of returning property to its owner. There was, of course, no sense in returning the ruined remains of a house to its owner and that issue needed to be examined.

22. With regard to the question raised by the observer for Egypt, he would have liked to be able to give a specific reply, but his working paper referred solely to United Nations resolutions on the issue of returnees, which did not provide an answer to that question.

23. He hoped that his colleagues' comments would help to establish guidelines and propose solutions, but the international community and United Nations bodies would also have to participate in the debate. It would hardly be possible to define responsibility in bilateral agreements and the international community would have to help find solutions to cases of criminal responsibility resulting from the destruction of property.

24. Ms. PONCINI (International Federation of University Women) speaking also on behalf of the International Federation of Business and Professional Women, Zonta International, the International Council of Jewish Women, the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, the All India Women's Conference, the World Federation of Methodist and Uniting Church Women, the International Baccalaureat Organization, the World Union of Catholic Women's Organizations, the United Towns Agency for North South Cooperation and the International Council of Women and also as President of the NGO Substantive Committee on the Status of Women of the Conference of NGOs in Consultative Relations with the United Nations (CONGO), said that the organizations she represented were satisfied with the integration of a gender perspective into the revised agenda. However, there was still a tendency to identify gender with women and human rights with men, women being seen as victims and men as actors, whereas, in fact, women were both actors/contributors to development and the victims of violations of human rights.

25. Outlining the difference between gender and women's rights, she explained that gender was cross-cutting and referred to the comparative or different roles, responsibilities and opportunities for both men and women in a given society, whereas women's rights were rights based on the specificities of the physical and biological nature of women. In the sphere of economic, social and cultural rights, it was essential that a gender perspective should be transparent and addressed separately from the treatment of specific women's rights at work.

26. Discrimination based on gender was either direct - originating from a sex bias in standards-setting dating from the era when women were perceived as the weaker sex - or indirect - resulting from economic and social terminologies historically based on the division of labour according to a traditional gender reflection of women's and men's role in society. Consequently, women's economic activities remained undervalued, because of the non-recognition of their double burden of unpaid work at home and of income-generating activities, notably in the informal economy.

27. In most societies, women and men did not have an equal voice or equal authority in both the public and private domains. Women's reproductive role was used as a deterrent to women acquiring and exercising autonomy. The rights of women were also obscured in an effort to ensure neutral language and universal application. There was therefore a need to articulate women's experiences of inequality unequivocally, otherwise women would remain invisible and their human rights illusory.

28. Adoption of gender-sensitive legislation and policies was also an important prerequisite for guaranteeing and protecting women's economic, social and cultural rights, in some cases even requiring the introduction of constitutional amendments. The organization's she represented proposed that the Sub-Commission should undertake studies on the issue. They also pointed out that although some representatives of Governments gave a gender perspective, the process was not yet systematic and she therefore requested that a gender perspective should be integrated each time an agenda item was introduced.

29. Ms. MBONU said that the enjoyment of any rights, but especially economic, social and cultural rights, was seriously undermined by corruption, one aspect of which was the fraudulent acquisition of wealth by individuals or groups of individuals who took advantage of their

privileged position in the national polity to enrich themselves. Many corrupt dictators had stolen from their countries and invested the proceeds in developed societies, depriving their countries of funds for development projects which could have improved the lives of their citizens and created an environment where people were able to enjoy their rights, especially economic, social and cultural rights.

30. In many societies, not only bad leadership but also poverty induced corruption and, although it was frowned upon, corruption thrived and became a way of life. Even when they did not embrace corruption as a way of life, many societies failed to establish adequate social structures and legal regimes to prevent or combat it. Corruption undermined the efforts of Governments to meet their obligations to provide for people's basic needs (health care, education, adequate shelter, provision of drinking water, etc.)

31. An indication of the growing concern over corruption was the African Union's drafting of a convention to combat it. In addition, at least one West African Government had enacted a law against corruption which identified not only stealing, defrauding and offering and accepting bribes as forms of corruption, but also nepotism.

32. She therefore invited the Sub-Commission to consider making a detailed study of the phenomenon of corruption in its widest ramifications and consequences. Such a study would have to examine the general and specific manifestations of corruption, identify vulnerable groups and develop guiding principles for respecting human rights, making international complaints and developing sanction systems. She would therefore be submitting a draft resolution requesting a working paper on the issue.

33. Mr. PARY (Indian Movement "Tupaj Amaru"), speaking also on behalf of North South XXI and Young Doctors Without Frontiers Tunisia, said that regulation of the activities of transnational corporations was imperative, in view of their increasing power to reshape the global economy and to influence political and social affairs. None of the economic, social or cultural problems that currently affected the world were entirely separable from the influence of the transnational corporations. They dominated all aspects of the production and distribution of goods and services, accumulated capital, moved and closed factories unexpectedly, speculated on the stock exchange, and thereby brought about financial collapses that threatened world peace and security. They wielded their power through international financial institutions such as the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO).

34. Earlier intergovernmental negotiations with a view to drafting a code of conduct had failed to reach a consensus, especially with regard to the definition of a transnational corporation. Nevertheless, a study carried out by the (defunct) United Nations Centre on Transnational Corporations had produced a definition, according to which transnational companies were identified as legal entities with rights and obligations. As such, they must be seen as responsible for their contribution to the bankruptcy of the global economy.

35. From the very outset of the negotiations on a code of conduct in 1974, the developing countries had argued that the instrument should be a binding one. A set of guidelines without the

force of law would be delusory, since no international criminal court existed with the power to pass judgement on the illegality of corporate activities. The logic of profit would continue to take precedence over all other considerations.

36. Ms. MIVELAZ (World Organization Against Torture), speaking also on behalf of the Lutheran World Federation, said that the human rights implications of trade-related agreements, as well as the policies and programmes of the international financial institutions, had become central to the work of the Sub-Commission. In that regard, she welcomed the report of the High Commissioner for Human Rights on the liberalization of trade in services and human rights (E/CN.4/Sub.2/2002/9). However, despite the increased attention of the international human rights mechanisms, there remained a distinction in the application of the non-discrimination principle between the fields of human rights and trade law. The understanding of non-discrimination in trade law might well prevent States from putting affirmative action into place, to ensure that the poor, the marginalized and the vulnerable had equal access to basic services such as education, safe drinking water and health care. Further action was required to clarify the meaning of non-discrimination in order to prevent the human rights approach to the liberalization of trade in services being regarded as disguised protectionism.

37. Foreign direct investment (FDI) had become one of the main ways of delivering trade in services, particularly in developing countries. Without careful regulation, the privatization of basic services could occur in complete disregard of the enjoyment of human rights. For example, the privatization of the Cochabamba water and sanitation system by the Bolivian Government in 1999 had led to a steep price increase, excluding many sections of the population from access to drinking water. The Government was eventually forced to withdraw the concession, and to employ armed force to quell the popular uprising that had ensued.

38. She urged the Sub-Commission to endorse the recommendations made in the report on the liberalization of trade in services and human rights, and to ensure that it was widely disseminated to all the relevant organs of the WTO. The WTO should be encouraged to take human rights considerations into account during its ongoing assessment of the General Agreement on Trade in Services (GATS).

39. Ms. BELLAMY (International Confederation of Free Trade Unions) said that the report of the High Commissioner on the liberalization of trade in services and human rights was a timely reminder to States of their obligation to ensure that transnational corporations operating in their territory did so with due regard for the enjoyment of human rights. The recent meeting of the World Commission on the Social Dimension of Globalization of the International Labour Organization (ILO) had confirmed that the fundamental rights of workers were often undermined by the impact of economic globalization. For example, the growth of duty-free export zones and textile industries had been achieved largely through the exploitation of women. Referring to examples in Pakistan and Thailand, she said that, without protection of their right to trade-union membership, women were often employed under deplorable conditions, with a permanent threat of redundancy.

40. The concerted efforts of States and international organizations, including the United Nations and the WTO, were required in pursuing a more humane approach to globalization. The review of GATS currently under way in the WTO, with a view to liberalizing

the provision of services throughout the world, could restrict access to essential services such as health and education if human rights were ignored. Her organization had published a guide for trade unions concerning the social responsibility of private companies, in which it described how a code of good conduct, negotiated with trade unions, could help to provide workers with the opportunity to defend their rights. Too often, codes of working practices were used by corporations for public relations purposes, but failed to have a genuine impact owing to the absence of monitoring mechanisms. Firm agreements needed to be made between employers and trade unions allowing such mechanisms to be set up. A total of 18 framework agreements and codes of conduct had already been drawn up between the international trade union movement and transnational corporations.

41. Mr. GUISSÉ said he welcomed the statement by Ms. Mbono concerning the impact of corruption on the enjoyment of human rights. There were two sides involved in every case of corruption, the individual who made the offer and the one who accepted it. Since the two were inseparable, it was usually considered appropriate to punish each party in the same way. Many instances of corruption were related to money as, for instance, when officials accepted bribes to overlook a violation of the law. However, other forms of bribery, such as the promise of undeserved promotion, and also fraud were rife in some countries. He looked forward to considering a working paper on corruption at the next session of the Sub-Commission.

42. Mr. YIMER said that the report of the High Commissioner on the liberalization of trade in services and human rights (E/CN.4/Sub.2/2002/9) reflected an interesting analytical approach. It brought out clearly and concisely the impact on human rights of the pressure on developing countries to liberalize services, and reached some useful conclusions such as the need for ensuring equal access to basic services and the need for increased dialogue on human rights and trade. He endorsed the recommendation that the Sub-Commission should consider requesting a report on "human rights, trade and investment".

43. Ms. ROBERTS (Human Rights Advocates) said that her organization supported the adoption of the human rights principles and responsibilities for transnational corporations and other business enterprises. They would foster development of the rule of human rights law in international investment, trade and labour relationships. However, she expressed three major concerns regarding the scope and implementation of the principles. First, they should be extended to offer specific protection to migrant workers, given that increasing numbers of migrants were often unprotected by national labour legislation, leaving them vulnerable to abuse. Secondly, transnational corporations should be required to disclose the locations of their subcontractors and suppliers, to ensure the effectiveness of enforcement mechanisms. That was especially important, given that supplier location was currently regarded as a trade secret. Lastly, the future efforts of the Sub-Commission and its sessional working group should be focused on developing local, community-based, reporting procedures and a United Nations oversight mechanism.

44. Potential victims of abuse needed to know their rights, and needed to know where to have recourse should their rights be violated. Given that internal procedures within businesses were often insufficient, and that not all domestic authorities had the resources or the political will to enforce human rights law against transnational corporations, the United Nations offered the most viable solution for a monitoring mechanism. It could develop a list of local contacts and

approved independent monitors, facilitate dialogue between businesses and communities, and determine remedial steps for businesses which failed to comply with the principles. She urged the Sub-Commission to consider ways of creating such a mechanism.

45. Mr. Soo Gil PARK said that the High Commissioner's report on liberalization of trade in services and human rights (E/CN.4/Sub.2/2002/9) was an excellent analysis of the state of the negotiations under the WTO General Agreement on Trade in Services (GATS) and their implications for human rights. It had focused somewhat narrowly, however, on the relationship between the negotiations and the right to development and the universal supply of basic services. Coverage of broader aspects of the negotiations would have been desirable.

46. Trade liberalization in general worked as a powerful engine of economic growth, providing increased financial resources that in turn enhanced human welfare and helped the poor, and trade in services was specifically set to lead economic development in the future. Service industries were vital to the infrastructure of any country and their efficiency had a significant impact on the functioning of the overall economy, yet developing countries frequently lacked the capital or the technology to establish such services. Those countries should therefore make liberalization of trade and investment a central strategy to enhance competitiveness in service sectors. Needless to say, developed countries should also improve access to their markets, since trade, not aid, was of greatest use to developing countries. In short, trade liberalization was the key to securing the right to development.

47. With regard to the regulatory authority of Governments, he said he agreed with the High Commissioner's view that interpretations of GATS should not constrain Governments' efforts to promote and protect human rights. In fact, the WTO trade in services regime gave Governments a degree of flexibility to pursue their policy goals. In particular, all members were free to decide which service sectors to select for liberalization, in accordance with their priorities in advancing economic, social and cultural rights; and sectors where services were provided in the exercise of government authority fell outside the scope of GATS. Most countries recognized the key role Governments played in providing basic services, particularly to the poor, and accepted that liberalization on a commercial basis of sectors such as health and education could present serious problems in that regard.

48. Lastly, he agreed with the report's conclusions. Market forces should not be relied upon to resolve problems concerning human welfare; States should have the flexibility to use development tools to enhance the well-being of their populations; and it was essential to improve the discussions among trade, economic, human rights and environmental experts so as to coordinate the positions of their States in the negotiations.

49. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that the arms race, despite serious efforts to limit it in recent decades, continued to engage a third of humanity's efforts, with the result that two thirds of the world's population lived in poverty and thousands of children were starving daily. A shift in those efforts to agriculture and education would undoubtedly put an end to poverty and restore stability among nations. Judging from the agreement reached after the First World War to ban the use of poison gas, it should be possible for the international community to outlaw other forms of offensive weapons, and her organization urged that no effort should be spared in that endeavour.

50. Mr. BERRY (International Commission of Jurists) said that efforts to realize economic, social and cultural rights through a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights had been given further impetus by a round-table conference convened by his organization in November 2001. The discussions had focused on justiciability, the possible effect of an optional protocol on States' priorities, the rights to be covered in any complaints procedure and possible remedies for violations of the Covenant, among other topics. Another meeting, organized in cooperation with the Federal Republic of Germany and the Republic of Chile in April 2002, had investigated the use of indicators, benchmarks and scoping to assist States in implementing economic, social and cultural rights.

51. However, his organization believed, like many States parties to the Covenant, that many of the fundamental issues surrounding the optional protocol would be addressed more efficiently in the context of the drafting process itself rather than through theoretical discussions. It therefore suggested that the Sub-Commission should request the Commission on Human Rights to authorize the preparation of a draft optional protocol. That would represent genuine progress.

52. Mr. JAHANGIR (Himalayan Research and Cultural Foundation) said that economic rights were given undue emphasis in the context of the International Covenant on Economic, Social and Cultural Rights. More attention should be paid to the problem of ideologies of homogeneity, such as religious fundamentalism, if social and cultural rights were not to be undermined.

53. It was also important to address the challenge posed by non-state actors who attempted to prevent the enjoyment of economic, social and cultural rights. The extremism exhibited in Jammu and Kashmir, for example, and in the United States on 11 September 2001, by terrorist networks originating in Afghanistan and supported by Pakistan, disrupted the peace and tranquillity needed if those rights were to be enjoyed, not only at the regional level but across the globe. He called upon the international community to take steps to safeguard economic, social and cultural rights from the onslaught of terrorism.

54. Mr. CARDONA (World Federation of Trade Unions) said that, even as the international community prepared for the World Summit on Sustainable Development, the United Nations Environment Programme (UNEP) had predicted the destruction of 70 per cent of the natural world in the course of the next 30 years unless there was a change in the current emphasis on the market. Such destruction had already been condemned in 1995, at the World Summit for Social Development, along with hunger, which some described as "silent genocide", yet solutions were still awaited. At the same time, acquired labour rights were being rolled back and advocates of the ILO campaign for decent working conditions were being persecuted. All those contradictions were recognized by the United Nations as factors in the widening gap between rich and poor, yet poverty-eradication programmes continued to be undermined by the promotion of poverty-creating policies.

55. The agreements reached at the Social Summit should be fully implemented and the major themes contained in the programmes of action of other such summits should be made the basis for world development in the twenty-first century. With a view to democratizing international economic relations, his organization also urged the effective implementation of the principles of the Declaration and Programme of Action on the Establishment of a New International

Economic Order, adopted by the General Assembly of United Nations in 1974, including equality in international economic relations and compensation for losses caused by the deterioration in the terms of trade and the burden of foreign debt. Lastly, the rich countries should meet their commitment to devote 0.7 per cent of their gross domestic product (GDP) to official development assistance (ODA).

56. Mr. NIIKURA (International Association of Democratic Lawyers) said that the globalization of crime required globalized law enforcement, but not all means were justified in the pursuit of that end. Certain recommendations of the Financial Action Task Force on Money Laundering (FATF) of the Organisation for Economic Co-operation and Development (OECD) were open to question in that regard. In particular, "gatekeeper control" - the requirement that legal and other professionals should inform the authorities of suspicious transactions by their clients - effectively denied individuals the right to counsel by doing away with professional confidentiality. It might also give rise to abuse of police powers, with officers themselves deciding which transactions should be deemed suspicious. The FATF mechanism in general was unconnected with global efforts to combat starvation, illiteracy or economic disaster and he therefore requested the Sub-Commission to recommend that the globalization of law enforcement should be contained within a framework of the wider protection of human rights.

57. Following the recommendation by the Committee on Economic, Social and Cultural Rights in 2001 that Japan should incorporate a "human rights impact assessment" into all phases of State actions, the Japanese Government had drafted a bill on the protection of human rights. Unfortunately, it did not include an effective mechanism to deal with human rights violations. The continuing absence of such a watchdog system made it even more important to introduce an optional protocol to the Covenant, which could stipulate the components of such a "human rights impact assessment" within countries' domestic legislation and provide a link to the individual communications mechanism.

The meeting rose at 6 p.m.